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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,112	03/24/2004	Gerardo Melendrez		4554

33376 7590 05/02/2006

KENNETH L. TOLAR  
2908 Hessmer Avenue  
Metairie, LA 70002

EXAMINER
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NGUYEN, CAMTU TRAN

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,112	<b>Applicant(s)</b> MELENDREZ, GERARDO	
	<b>Examiner</b> Camtu T. Nguyen	<b>Art Unit</b> 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Applicant's Brief***

This Office Action is in response to applicant's appeal brief filed on February 3, 2006. Applicant's arguments have been carefully considered and are acknowledged. The Finality has been withdrawn and the claims are rejected in the following manner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424) in view of Egan et al et al (GB 2 117 505 A). Albanes discloses in Figure 1-5 a body drying system comprising elements as recited in these claims including a housing (12) having a forwarding face (14), a rearward face (16), a pair of side faces (22), a plurality of apertures (26) positioned on the forwarding face (14) of the housing (12), a blower (46) disposed within the housing (12). Figure 1 illustrates the apertures (26) on the forwarding face (14) of housing (12) further including horizontal louvers (28) oriented within three rectangular oblong apertures (26). Each set of louvers (28) is pivotally mounted about parallel horizontal axes. Figure 1 further illustrates the dials to the right of each apertures (26) for pivoting the louvers (28) by rotating the dials. The Albanes body drying system lacks the

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teaching of a switch means for sequentially activating a plurality of heaters, as recited. Egan et al discloses in Figures 1-4 a room heating unit comprises a casing (1) fixed against a wall (3) containing heaters (9) with heating elements (11). Egan et al further teaches several heaters (9) are independently connected to a microprocessor control unit which switches the heating units (9) on a predetermined sequence so that the instantaneous power consumption is low and the units can be supplied at low voltage. Therefore it would have been obvious to one skilled in art to apply the sophisticated switch taught by Egan et al in the Albanes drying system as such would offer sequentially activating a select one of pluralities of heaters each time the switch means is activated.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424), as modified above, and further in view of Marino (U.S. Patent No. 5,361,321). Albanes, as modified above, discloses in Figure 1-5 a body drying system comprising elements as recited in these claims but does not teach a gravity actuate safety switch. Marino discloses a portable electrical heater comprising a safety shutoff switch in the form of a switch (31) in the event that the heater unit tips forward. Therefore it would have been obvious to one skilled in the art to install the safety shutoff switch taught by Marino and connect it to Albanes' body drying system as such would disabling power in the event the heating unit is overturned, thereby providing safety.

Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424), as modified above, and further in view of Aufiero (U.S. Patent No. 2,563,449). Albanes, as modified above, discloses in Figure 1-5 a body drying system comprising elements as recited in these claims but does not teach the housing (12) is pivotally

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mounted on an upright weighted support stand, as recited. Aufiero discloses in Figures 1 and 2 a heater assembly comprising walls (11, 12) of the assembly is pivotally mounted on a base portion (5) of assembly that uprightly supports the walls (11,12) on an underlying surface. Therefore it would have been obvious to one skilled in art to mount the Albanes, as modified, on Aufiero's base portion for the purposes of allowing the housing to be angularly adjusted and also to provide stability.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albanes (U.S. Patent No. 5,377,424), as modified above, and further in view of Shao (U.S. Patent No 5,239,610). Albanes, as modified above, discloses in Figure 1-5 a body drying system comprising elements as recited in these claims but does not teach the forwarding face is convex. Shao discloses in Figures 1-9 a portable heating unit (21) having a a cover (25 having a convex front section (27). Therefore it would have been obvious to one skilled in the art to modify the Albanes's front wall to be convex as taught by Shao as such curve would project hot air upwardly, downwardly, and straight ahead.

### ***Conclusion***

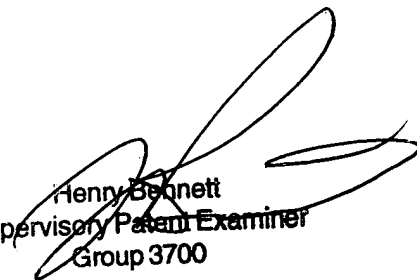
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-499. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Camtu Nguyen  
April 8, 2006



Henry Bennett  
Supervisory Patent Examiner  
Group 3700